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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,380	02/07/2001	Yoshitaka Yaguchi	MTS-3243US	3996

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EXAMINER	
FLETCHER, JAMES A	

ART UNIT	PAPER NUMBER
2615	9

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/762,380	YAGUCHI ET AL.	
	Examiner	Art Unit	
	James A. Fletcher	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) *1-5, 8-21, and 23-24* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6, 7, 22, and 25-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-5, 8-21, and 23-24 are removed from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8 April 2004.

Claim Objections

2. Claims 6 and 22 are objected to because of the following informalities: The claims contain the language "second means of recording" with no first means claimed.

Claim 6 is also objected to because it calls out the terms "PSI" and "SI" without providing any description of the terms.

Claims 6 and 22 are further objected to for the language "means of controlling records." This is confusing to the examiner, and is believed to mean "means of controlling recording."

Claim 22 is further objected to because it calls out the term "PCR" without providing any description of the term.

Claims 25 and 26 are objected to because they cite multiple dependencies on claims that are not elected.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6, 7, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatter et al (5,838,873).

Regarding claim 6, Blatter et al disclose a recording and reproducing apparatus comprising:

- means of recording a predetermined signal discretely including additional information of a program (Col 2, line 66 - Col 3, line 1 "one or more private data elements are included in the stored PMT that describe the program:);
- means of controlling recording the predetermined signal recorded by the means of recording (Col 3, lines 58-60 "A video receiver user selects...the programs he wishes to store, the type of storage media and manner of storage");
- means of controlling reproduction of the predetermined signal reproduced from the means of recording (Col 14, line 66 - Col 15, line 1 "System 25 of FIG. 1 recovers programs from storage device 90 and medium 105 in a playback mode using the process of FIG. 5") and
- means of detecting Program Specific Information (PSI) or Service Information (SI) from the predetermined signal (Col 7, lines 53-58 "The user selection data is input to controller 115 via interface 120 following on-screen menu selection with remote control unit 125. In step 215, in response to the input selection data (SP), controller 115 derives the PIDs for the selected programs

for storage from the stored PSI. The unit 47 detection filters are loaded with the PIDs of the programs to be stored by controller 115");

- characterized in that on recording the predetermined signal, the means of detecting PSI or SI detects PSI or SI from the predetermined signal and adds it to the head of the predetermined signal (Col 6, lines 54-57 "Controller 115 employs the process of FIG. 2 both to generate condensed PSI [CPSI] from this stored PSI and to incorporate the CPSI in a packetized datastream suitable for storage on a selectable storage medium"); and
- the means of recording, records the predetermined signal having PSI or SI added to its head (Fig. 2, step 235 "Insert CPSI in the datastream in selected PSI data locations").

Regarding claim 7, Blatter et al disclose a recording and reproducing apparatus characterized in that the predetermined signal is an MPEG transport stream (Col 3, lines 36-38 "the disclosed system is described in the context of an MPEG compatible system for receiving MPEG encoded transport streams representing broadcast programs").

Regarding claims 29/6 and 29/7, Blatter et al disclose a recording and reproducing apparatus having a random access function (Fig. 4, item 415 "Nonlinear Media e.g. Disk such as DVD, CDROM").

Regarding claims 30/6 and 30/7, Blatter et al disclose a medium having a program and/or data for having all or part of the functions of all or part of the means of the invention described above executed by a computer, characterized by being

processible by a computer (Col 16, lines 56-60 "the functions of the elements of the FIG. 1 architecture and the process steps of FIG. 2-5 may be implemented in whole or in part within the programmed instructions of a microprocessor").

Regarding claims 31/6 and 31/7, Blatter et al disclose an aggregate of information, characterized by being a program and/or data for having all or part of the functions of all or part of the means of the invention described above executed by a computer (Col 16, lines 56-60 "the functions of the elements of the FIG. 1 architecture and the process steps of FIG. 2-5 may be implemented in whole or in part within the programmed instructions of a microprocessor").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 22 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al, and further in view of Yanagihara (5,835,668).

Regarding claim 22, Blatter et al disclose a recording and reproducing apparatus comprising:

- means of recording an MPEG transport stream (Col 3, lines 58-60 "A video receiver user selects...the programs he wishes to store, the type of storage media and manner of storage" and Col 3, lines 36-38 "the disclosed system is

described in the context of an MPEG compatible system for receiving MPEG encoded transport streams representing broadcast programs");

- means of controlling recording for having the MPEG transport stream recorded by the means of recording (Col 3, lines 58-60 "A video receiver user selects...the programs he wishes to store, the type of storage media and manner of storage");
- means of controlling reproduction of the MPEG transport stream reproduced from the means of recording (Col 14, line 66 - Col 15, line 1 "System 25 of FIG. 1 recovers programs from storage device 90 and medium 105 in a playback mode using the process of FIG. 5"); and
- means of detecting Program Clock Reference (PCR) from the MPEG transport stream (Col 6, line 21 "controller 115 reads the timing information and PCR value");
- Blatter discloses detecting PCR from the MPEG stream (Col 6, line 21 "controller 115 reads the timing information and PCR value"), but does not disclose adding it to the head of the MPEG transport stream.

Yanagihara teaches a recording and reproducing apparatus which, on recording the MPEG transport stream, the means of detecting PCR detects PCR from the MPEG transport stream and adds it to the head of the MPEG transport stream (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As taught by Yanagihara, adding detected PCR data to the head of the MPEG stream is a well-known and widely used technique of providing timing data to a recorded multimedia stream, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

- Blatter does not disclose using the means of recording to record the MPEG transport stream having PCR added to its head.

Yanagihara teaches using the means of recording to record the MPEG transport stream having PCR added to its head (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As taught by Yanagihara, adding detected PCR data to the head of the MPEG stream is a well-known and widely used technique of providing timing data to a recorded multimedia stream, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

Regarding claim 25/22, Blatter et al discloses a recording and reproducing apparatus characterized in that the PCR has a cyclic counter value (Col 6, lines 22-24 "PCR values of successive timing information packets are used by controller 115 to adjust the system 25 master clock"), but does not disclose adding that value to the MPEG transport stream.

Yanagihara teaches adding the value to the MPEG transport stream to keep continuity (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As suggested by Blatter et al and taught by Yanagihara, replacing a cyclic PCR in a multiplexed transport stream with a PCR having greater validity is a well-known and widely used technique of providing a valid PCR, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

Regarding claim 26//22, Blatter et al do not disclose rewriting the contents of the PCR.

Yanagihara teaches a recording and reproducing apparatus characterized in that the MPEG transport stream to which PCR is added has its contents rewritten (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data

PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As taught by Yanagihara, replacing a cyclic PCR in a multiplexed transport stream with a PCR having greater validity is a well-known and widely used technique of providing a valid PCR, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

Regarding claim 27/25/22, Blatter et al do not disclose rewriting the contents of the PCR.

Yanagihara teaches a recording and reproducing apparatus characterized in that a cyclic counter value of PCR added to the means of adding PCR is rewritten in compliance with a cyclic counter value of PCR originally included in the MPEG transport stream so as to keep the continuity (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As taught by Yanagihara, replacing a cyclic PCR in a multiplexed transport stream with a PCR having greater validity is a well-known and widely used technique of providing a valid PCR, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

Regarding claim 28/26/22, Blatter et al do not disclose rewriting the contents of the PCR.

Yanagihara teaches a recording and reproducing apparatus characterized in that a cyclic counter value of PCR originally included in the MPEG transport stream is replaced in compliance with a cyclic counter value of PCR added to the means of adding PCR so as to keep the continuity (Col 7, lines 59-63 "PLL circuit 5 supplies the output of circuit 8, identified herein as data PCR'...to PCR restamping circuit 12 which replaces in the multiplexed signal the PCR data with the PCR' data").

As taught by Yanagihara, replacing a cyclic PCR in a multiplexed transport stream with a PCR having greater validity is a well-known and widely used technique of providing a valid PCR, which would be quickly and easily detected and decoded during reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blatter et al to add a cyclic counter value of PCR to the MPEG transport stream.

Regarding multi-dependent claims 29/22, 29/25/22, 29/27/25/22, 29/26/22, and 29/28/26/22, Blatter et al disclose a recording and reproducing apparatus having a random access function (Fig. 4, item 415 "Nonlinear Media e.g. Disk such as DVD, CDROM").

Regarding multi-dependent claims 30/22, 30/25/22, 30/27/25/22, 30/26/22, and 30/28/26/22, Blatter et al disclose a medium having a program and/or data for having all or part of the functions of all or part of the means of the invention described above executed by a computer, characterized by being processible by a computer (Col 16, lines 56-60 "the functions of the elements of the FIG. 1 architecture and the process steps of FIG. 2-5 may be implemented in whole or in part within the programmed instructions of a microprocessor").

Regarding multi-dependent claims 31/22, 31/25/22, 31/27/25/22, 31/26/22, and 31/28/26/22, Blatter et al disclose an aggregate of information, characterized by being a program and/or data for having all or part of the functions of all or part of the means of the invention described above executed by a computer (Col 16, lines 56-60 "the functions of the elements of the FIG. 1 architecture and the process steps of FIG. 2-5 may be implemented in whole or in part within the programmed instructions of a microprocessor").

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
June 14, 2004

VINCENT BOCCIO
PRIMARY EXAMINER